

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

NORMAN VIGIL,

Plaintiff,

v.

No. 1:16-cv-00047 KG/KK

NEW MEXICO PUBLIC EDUCATION DEPARTMENT,

Defendant.


PARTIAL SUMMARY JUDGMENT

Having granted, in part, “Defendant’s Motion for Summary Judgment Regarding Plaintiff’s Claims of Disability Discrimination and Retaliation Based on the ADAAA and HRA [Count I and III] and his Common Law Claim of Constructive Discharge [‘Primary Summary Judgment Motion’]” (Doc. 84); and, granted, in its entirety, “Defendant’s Motion for Summary Judgment Regarding Plaintiff’s Claims of Sex Discrimination [Counts II and III] and Retaliation Based on The Whistleblower Protection Act [Count IV] [‘Second Motion for Summary Judgment’]” (Doc. 86), as explained briefly by the Court in a hearing on March 27, 2018, and elaborated in a Memorandum Opinion and Order entered simultaneously with this Partial Summary Judgment,

IT IS ORDERED that:

1. summary judgment is entered in Defendant’s favor on Count II of Plaintiff’s Amended Complaint (Doc. 33), filed May 4, 2016;
2. Count II of the Amended Complaint is dismissed with prejudice;

3. summary judgment is entered in Defendant's favor on the New Mexico Human Rights Act ("NMHRA") sex discrimination claim in Count III of the Amended Complaint;
4. the NMHRA sex discrimination claim in Count III of the Amended Complaint is dismissed with prejudice;
5. summary judgment is entered in Defendant's favor on Count IV of Plaintiff's Amended Complaint;
6. Count IV of the Amended Complaint is dismissed with prejudice;
7. summary judgment is entered in Defendant's favor on Count V of Plaintiff's Amended Complaint; and
8. Count V of the Amended Complaint is dismissed with prejudice.



UNITED STATES DISTRICT JUDGE